
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

SEAN C. OWEN,

Petitioner,

v.

UNITED STATES OF AMERICA et al.,

Respondents.

**MEMORANDUM DECISION
& ORDER AFTER TENTH
CIRCUIT'S REMAND OPINION**

Case No. 2:18-CV-434 DBB

District Judge David Barlow

On June 23, 2022, the Tenth Circuit Court of Appeals remanded to this Court "to VACATE the dismissal with prejudice for Mr. Owen's claims pursuant to 42 U.S.C. § 1983 against the United States and State of Utah and to enter an order dismissing those claims without prejudice." *Owen v. United States*, No. 21-4134 (10th Cir. June 23, 2022). The Tenth Circuit further remanded to this Court "to VACATE the dismissal of Mr. Owen's claims properly construed as seeking habeas relief pursuant to § 2254 so that he may bring all of his habeas claims in a single petition or withdraw those claims." (*Id.*)

IT IS THEREFORE ORDERED that:

(1) This Court's Order, (ECF No. 23), is **VACATED** regarding Petitioner's § 1983 claims against the United States and State of Utah.

(2) Petitioner's § 1983 claims against the United States and State of Utah are **DISMISSED WITHOUT PREJUDICE**.

(3) This Court's Order, (ECF No. 23), is **VACATED** as to Petitioner's § 2254 claims, so that Petitioner may--within thirty days--bring all his habeas claims in a single petition or withdraw his § 2254 claims. Failure to comply will result in dismissal.

(4) This Court's judgment is **VACATED**. (ECF No. 24.)

DATED this 17th day of August, 2022.

BY THE COURT:



JUDGE DAVID BARLOW
United States District Court